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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,362	02/25/2002	David Proscia	IPHO/0005.05	4495

25223 7590 01/26/2004

WHITEFORD, TAYLOR & PRESTON, LLP  
ATTN: GREGORY M STONE  
SEVEN SAINT PAUL STREET  
BALTIMORE, MD 21202-1626

EXAMINER
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HEALY, BRIAN

ART UNIT	PAPER NUMBER
	2874

DATE MAILED: 01/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/082,362	PROSCIA ET AL. <i>[Signature]</i>
<b>Examiner</b>	<b>Art Unit</b>	
Brian M. Healy	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 21-28 is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 February 2002 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) same.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: *[Signature]*

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## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 21-28 are allowed over the prior art of record. None of the references of record teaches or suggests an optical component carrier apparatus with all the structural details recited in claims 21-28 (see these claims for specific details.).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kerry et. al.,

U.S.P. No.5,434,944.

Kerry et. al., U.S.P. No.5,434,944 teaches (Figs.1-15) an optical component carrier device adapted to hold a plurality of fiber optic cables 110, 130 and optical components (Note that the term "optical component can be broadly interpreted to means any component that is associated

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with an optical fiber cable, for example, an outer cable sheathing, associated optoelectronics, ect.) comprising: a body 2,3,6 having a top, bottom and sidewall members that cooperatively define an optical component storage region; a plurality of component storage apparatuses 109 disposed within the component storage region and including a plurality of annular sidewalls held by C-shaped members 103 (Note that these sidewalls can be adapted to be backwalls, mid-members..ect as needed) and at least one slidable clamping means 101 coupled to at least one of the sidewall members and adapted to grip at least one of the optical components and the plurality of optical fiber cables, which clearly, fully meets Applicant's claimed limitations.

A copy of PTO-1449 will be included in this office action.

The following references are also cited by the Examiner as being pertinent art: Sommer et. al., U.S.P. No.6,628,886 (Note entire reference.), Nelson et. al., U.S.P. No.4,792,203 (Figs.1-20), Hayward et. al., U.S.P. No.5,396,575(Figs.1-8), Carpenter et. al., U.S.P. No.5,732,174 (Figs.1-8) and Patterson et. al., U.S.P. No.5,682,450 (Figs.1-8).

Any questions regarding this office action should be directed to:

**Brian M. Healy**

**Primary Examiner**

**Art Unit: 2874**

**Phone: (703)308-2693**

Brian M. Healy  
Primary Examiner

*Brian M. Healy*  
Brian M. Healy  
Primary Examiner